SPIRIT OF THE PRESS.

Bettorial Opinions of the Leading Journals Upon Current Topics-Compiled Every Day for the Evening Telegraph.

SHALL WE HAVE A WAR WITH SPAIN? From the N. Y. World.

The preparation of writs of attachment, on Wednesday, against the thirty new gunboats building for the Spanish Government and now nearly completed, is a more regular proceeding than their seizure by the order of the President last August, as it will bring the rights of their owner before a proper tribunal for judicial decision. It is to be presumed that those rights, whatever they may be, will now be determined by law, and no longer be the sport of executive caprice. Spain either has a right, under our laws, to procure these boats to be constructed within our jurisdic-tion, or she has not. The strong personal sympathies of President Grant and the Cuban insurgents ought not to have, and before an upright judicial tribunal cannot have, the slightest weight in the decision of this important question.

Spain has just reason to complain that the judicial proceedings which have at last been initiated were not taken in August, immediately after the seizure of the boats. It may be true that she will have suffered little practical inconvenience by the delay, if they are now promptly released, as the work of construction has gone on without interruption, and the Spanish Government probably would not have sent them to Cuba one by one, but in a fleet under the convoy of ships of war. But if they are not released, the injury done to Spain by the delay is great and inexcusable. When the Spanish Government entered into the contract for building these gunboats, it, of course, supposed that there was no legal impediment; otherwise it would have procured them to be built in England or some other country. It certainly would not have intentionally done so senseless a thing as to waste money in causing them to be built within a jurisdiction where it did not feel secure against their being seized and forfeited for a violation of the municipal law. If there was a reasonable doubt of her right, it was the plain duty of our Government to bring the question before a competent tribunal for decision and save a friendly nation from a violation of law and a misapplication of money. The law was precisely the same in the beginning of August, when the gunboats were seized, that it is at present; and the relations of our Government to the Cuban insurgents have undergone no change. All the reasons for judicial proceeding which exist at present, equally existed then. If Spain had not a clear right to complete the boats and take them bewond our jurisdiction, the question ought to have been determined as soon as it arose in a form susceptible of adjudication, in order that a friendly power might have had an opportunity to desist from an unintentional violation of our laws.

We suppose the truth to be, that the administration knew it had no grounds of seizure which a court would sustain, and that for this reason alone it did not venture upon a judicial proceeding. This is not only true in fact, but it was virtually confessed by the administration in the transparent subterfuge to which it had recourse when it seized the vessels under the pretense that they were to be used in prosecuting hostilities against Peru. There is not an intelligent man in the United States who did not regard this pre-tense as a subterfuge, or who did not believe that the reason for its adoption was the conscious want of lawful authority to seize the vessels if they were to be employed on the coast of Cuba. The thumping up of this false excuse for seizing the boats was a stroke of ingenuity which carried on its face a clear confession of the right of Spain to procure vessels to be built in our harbors to aid in subduing a revolt of her own subjects, whose belligerent status our Government had not acknowledged. The right of Spain to build the boats is clear and unquestionable until our Government shall recognize the insurgents; and it is an advantage to our shipbuilders that this employment is given to them, instead of to their English rivals. As vessels can be constructed in Great Britain at a smaller cost than in this country, it is probable that Spain preferred to build them here because they are not fitted for a long ocean voyage, and could be more safely taken to Cuba by running near our coast. This alone would suffice to show (if anybody had any doubt on that point) that they were never in-tended to double the "Cape of Storms" and be used against Peru. But it is idle to expose a pretext by which nobody was ever deceived. All the world knows that General Grant caused the Spanish gunboats to be seized, last summer, in the interest of the Cuban insurgents; and that the pretense of hostility to Peru was a cloak to cover an tilegal proceeding, and a virtual confession of its illegality.

If we are to have a war with Spain in behalf of the Cuban insurgents, let us not degrade ourselves by sneaking into it under transparent subterfuges. If our Government has de-termined that Cuba shall be independent, or that it shall be annexed to this country, let it make a manful avowal of its purposes and proceed boldly to their execution. It does not comport with the dignity of a great nation to descend to tricks and chicanery, or to act upon motives which it dares not avow. If Spain has a legal right to take these gunboats to Cuba, the administration should oppose no obstacle to their departure. If we are willing to risk a war with Spain in behalf of the insurgents, these boats will be but as dust in the balance. They cannot obstruct our con-quest of the island, if our Government decides that it shall be wrested from Spain. But until the administration knows its own mind on the subject, it thad better pay a decent respect to our own laws, and make no further attempts to annul or circumvent them by giving aid to the Cuban insurgents on selfexposed false pretenses.

We suppose no lawyer has any doubt that, under the law as it stands, these vessels will be released as soon as the question is brought before a court; but the fact that the hearing is set down for the 14th of December, a week after the meeting of Congress, may indicate an intention to take the sense of that body, and perhaps procure a change in the law before the case is adjudicated. But if Congress intervenes to thwart the release of the boats, it is war!

THE JUDICIARY AMENDMENT.

From the N. Y. Times. The official announcement of the adoption of the new Judiciary article of our State Conatitution will be most welcome. It will be especially gratifying to the large and varied business interests which have suffered from lax administration of the law, and, indeed, to all owners of associated wealth. The lawyers who still retain some pride in their profession, and who have not ceased to think that practice in the courts ought to be more honorable than the business of the horse-jockey, and that the management of litigation requires a of fifty gentlemen, representing the various different kind of talent and training from organizations and individuals directly in-

those necessary for a faro bank or a ward | terested in the object, was appointed to carry primary, will receive the intelligence with out the enterprise by such means as they may

unalloyed satisfaction. The new article makes many changes in our judicial system, and some of them promising wholesome and enduring reforms in the administration of justice in this State, and especially in this city. The first of these changes to be noted is that relating to the organization of the Court of Appeals. This Court will hereafter consist of a Chief Justice and six Associates. They will be elected next spring for fourteen years. Only the Chief Justice and four Associates can be voted for by any one elector, thus giving to the minority two members of the Court. cases pending in the Court of Appeals on the 1st of January, 1869, and which remain unde-termined on the organization of the new Court, will be heard by a Commission, composed of the four present Judges of the Court of Appeals, who have been elected or appointed thereto, and a fifth Commissioner, appointed by the Governor, by and with the advice of the Senate, if that be in session, or if it be not, to hold office only until the end of the next session. Four of the five shall constitute a quorum. It now takes about five years to carry a suit through the court. This commission will afford instant relief, and will prove of the greatest benefit to honest litigants, whose entire funds have hitherto, in not a few instances, been locked up in the court. Many of such cases would, indeed, never have been taken there at all, but for the certainty that the party really entitled to the funds or property in dispute may be kept deprived of it for at least that period. It is believed that the new court, as now constituted, will be able to dispose with promptness of all business that may come before it, and that no future accumulation or delay need

The new article also provides that, in 1873, it shall be submitted to the people of the State whether our Judges shall hereafter continue to be elected, or be appointed by the Governor. But the great and sweeping reform wrought by the article relates to the organization and practice of the Supreme Court. Under the present Constitution, the Judges have been in the habit of reviewing their own decisions. This practice was subject to great abuse, and came to be regarded as an unmitigated nuisance and wrong. The Court is composed of thirty-three Judges; each of the eight judicial districts electing four, and the first of these districts, consisting of the city and county of New York, electing five. General Terms, held by not less than three Judges, sit in the several districts to hear and determine appeals from their own decisions, made at Circuit or Special Term. It is true that each particular decision is reviewed not only by the Judge who originally made it, but by his two associates; but the best judges imperceptibly fall into the habit of sustaining each other and being sustained in turn. This abuse has been carried on to such an extent, in this city, as virtually to abrogate the right of appeal. All this, however, is swept away by the new article, which declares the absolute disability of a judge to sit in review of his own decision, or that of any Court of which he was a member. The present judges of the Court will serve out the term for which they were elected, and the future term is to be fourteen years. We are not surprised that the judicial rings of this city did their utmost to defeat the adoption of the new article, for their continued existence depended upon that

Instead of eight General Terms, which we now have, only so many are to be organized as may be deemed necessary to dispose of the appeal cases from Circuit and Special Terms. Three of them will probably be ample, for the reason that they will be confined to this one branch of judicial duty. The selection of Judges who shall hold these terms is to be in pursuance of a law which the next Legislature is required to enact for the purpose, and they will be designated from the whole body of thirty-three. While, therefore, we shall have a General Term almost always sitting in New York or Brooklyn, it does not follow that the judges holding it shall be selected exclusively from these districts. This arrangement can hardly fail to restore the reign of law in the Supreme Court, and to break up the judicial rings in this city, of which there has been such bitter and frequent complaint. When a suitor can have an immediate appeal from the rash and inconsiderate, not to say corrupt, action of a single judge, to an independent and upright court, the unwarrantable orders with which we have become so familiar will cease to be useful to the parties in whose interest they have ordinarily been made.

AMERICAN ART AND "FOREIGN TRASH.

From the N. Y. Herald. The public will heartily endorse the action of the crowded meeting which was held on Tuesday evening at the theatre of the Union League Club on behalf of the establishment of a metropolitan art museum in the park. This meeting was presided over by Mr. Bryant, who alluded to the wonderful growth of New York and contrasted its lack of great art museums with the abundance of such institutions in European cities not half so rich and populous. Professor Comfort, of Princeton, made an address, in which he showed how much this country needs artists and what superior artistic talent it can already boast of possessessing. He also referred to the museums of the Old World, commenting on the fact that most of them had been originally built for other than museum purposes, and urging the importance of adopting all modern improvements in constructing here a museum which should externally be a great work of art, although not necessarily of American architecture, and the interior arrangement of which should be made specially to subserve the object of its erection, and nothing else. His declaration that "he knew of only one place in this vicinity which was suitable for a museum, and that place was the Park, was warmly and justly applauded. It should be a museum worthy our city, and should represent the history of art in all ages and nations; "for art," he said, "is cosmopolitan, belonging to no country in particular, and a great artist is a great man and a citizen of the world." He believed it possible to organize such a museum, and knew that every great work in the world could be reproduced so accurately-statues, in plaster of Paris; pictures, by skilful American painters specially commissioned to copy them in European gal leries; drawings and engravings, in photographs, and medallions and coins, in casts—as to form a collection that would offer a school for art students and render inestimable service in educating and cultivating the public taste. Addresses were made by Mr. Hunt, the architect; Mr. Stebbins, Mr. Cole, of the Kensington Museum in London; Rev. Dr. Thompson and Rev. Dr. Bellows in behalf of the projected museum of art. Resolutions were adopted as an expression of the favorable opinion of the meeting, and a committee

deem expedient. It is to be hoped that ere long the efforts of this committee, seconded by the liberality of our citizens, may result in founding in the park a museum of art-"a repository of the productions of artists of every class, which shall be in some measure worthy of this great metropolis and of the wide empire of which New York is the commercial centre." In this connection we may add that such a museum will afford, in addition to its other benefits, opportunities for young artists to make themselves known by the exhibition of their works. About thirty young artists met the other evening and organized a society called "The New York Artists' Union, for mutual improvement and the suppression of the trash annually sold in this city as works of art." Anything like an attempt to revive the crusade of a few short-sighted and envious mediocrities and inferiorities, academical or otherwise, to prohibit the importation of such excellent works of foreign art as the most respectable of our art dealers supply in accordance with the elevated standard of public taste, will prove as ineffectual as it is foolishly opposed to sound principles of political economy. The best way to "sup-press foreign trash" will be for our young artists to thoroughly prepare themselves to represent as landscapists the incomparable beauty and sublimity of our natural scenery, or, as figure painters, those multitudinous varieties of American life which hitherto have been almost completely undiscovered by so many who having eyes see not. If American art be diligently improved to its highest capability, it will meet with and deserve enthusiastic encouragement, and "foreign trash" will no longer find a market on this side of the Atlantic

GREAT RAILROAD SUIT-SUSQUE-HANNA AGAINST ERIE.

From the N. Y. Sun. Another big lawsuit has been begun Joseph H. Ramsey, President of the Albany and Susquehanna Railroad Company, has sued Jay Gould, James Fisk, Jr., and Frederick A. Lane, with other directors of the Erie Railway, and the Erie Company itself. The litigation is in reality a continuation of the Susquehanna and Erie quarrel which Gowernor Hoffman illegally put an end to by taking possession of the Susquehanna road

last summer. Mr. Ramsey's complaint covers ninety-one printed pages. The revenue is laid in Delaware county. Mr. Justice Murray, of the Supreme Court, has issued an injunction and granted an order against the defendants. These papers, together with the complaint, make up three of the most remarkable documents ever known in the legal annals of this State or country.

The complaint states that Mr. Ramsey owns certain stock of the Eric Railway Company, and sets out in full its character, although the amount is not given; also that he owns a past due claim for money against the company. It then recites, with careful detail, the history of the Erie corporation from 1832 to the present time. It alleges that recently the management of the road has fallen into the hands of the awful triad, Fisk, Gould, and Lane; and substantially that these men and their agents have injured and are continuing to injure the property of the Erie Railway Company, so as entirely to destroy the value of the plaintiff's stock and interest therein.

The allegations contained in the complaint are many of them very serious and important; but these are mingled with nonsense in a most remarkable manner. For instance, it is absurd to allege among the grounds for asking an injunction that Fisk has brought obloquy upon the Erie Railway Company "by acting in gaudy uniform the part of a temporary master of steamboats." And what shall we think of the following in a sober legal complaint?

"That it is injurious to the business of said corpo-ration to have its offices in a building which in part is almost nightly occupied for operatic and dramatic performances; that the frequenting of said building and its approaches by the large number of young cierks in the employment of said company, and by opera and theatre women at the same time, and the musical and dancing rehearsals by day, with the tread of ballet girls and the school of operas and tread of ballet-girls and the echoes of operas and songs, and of all sorts of string and wind instru-ments resounding in said bailding, within hearing and almost within sight of numerous young clerks and almost within sight of minimum joing and at their desks, in the employment of said company in said opera house, are demoralizing to said young men, destructive of the interests of said company, and without a parallel in railroad history.

Is not this silliness run rampant? Why are not the dulcimer, sackbut, and psaltery mentioned as among the instruments?

The injunction in this case is of the most sweeping character, going so far as to forbid the defendants from using any "persuasion" to prevent the Erie Railway Company from employing persons other than the defendants or their attorneys to defend the suit. The order suspends from office as Directors of the road Fisk, Gould, and Lane, and all others at present engaged in its management. Philo Ruggles is appointed referee to take proofs on behalf of both parties, before the court determines as to the final exercise of its cowers in reference to the suspension of the defendants.

Of course, it is impossible at present to express any opinion as to the merits of this extracrdinary case; but certainly the plaintiff's course would have more to commend it to the public if extraneous and irrelevant allegations had been omitted in the complaint, and if his preliminary injunction and order had not been quite so strongly drawn.

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OFFICE PENNSYLVANIA RAILROAD COMPANY, TREASURER'S DEPARTMENT, PHILADELPHIA, Penna., Nov. 2, 1859.

NOTICE TO STOCKHOLDERS.

The Board of Directors have this day declared a semi-annual dividend of FIVE PER CENT. on the Capital Stock of the Company, clear of National and State taxes, payable in cash on and after November 30, 1869.

Blank Powers of Attorney for collecting dividends can be had at the office of the Company, No. 288 South THIRD Street.

The office will be opened at 8 A. M., and closed at 3 P.
.. from November 3) to December 4, for the payment of
ividends, and after that date from 8 A. M. to 3 P. M., as THOS. T. FIRTH, Treasurer.

OFFICE OF THE FREEDOM IRON AND STEEL COMPANY, No. 230 S. THIRD

A Special Meeting of the Stockholders of the FREE-DOM IRON AND STEEL COMPANY will be held at the office of the Company, No. 230 S. THIRD Street, Philadelphia, on TUESDAY, December 7, 189, at 12 o'clock M., to consider the mancial condition of the Com-pany and the expediency of disposing of its property by lease or otherwise

By order, CHARLES WESTON, JR., Secretar

OFFICE OF THE CITY TREASURER. PHILADELPHIA, Nov. 16, 1869 - Warrants registered to No. 54,000 will be paid on presentation at this office, in terest ceasing from date.

JOSEPH N. PIERSOL, City Treasurer

NOTICE TO STOCKHOLDERS. — A Dividend of TWENTY-FIVE CRNTS per share will be paid by the HESTONVILLE, MANTUA, AND FAIRMOUNT PASSENGER RAILWAY COMPANY, tree of State tax, on and after December 1 next, at the Office of the Company, No. 112 South FRONT Street, Transfer Books will be closed November 20 and reopen December 6, CHARLES P. HASTINGS, 1110 tt

NOTICE IS HEREBY GIVEN THAT an application will be made, at the next meeting of the Legislature of Pennsylvania, for the incorporation of a company, in accordance with the laws of the Commonwealth, to be entitled "The Philadelphia Banking and Savings Deposit Company," to be located at Philadelphia, with a capital of one million dollars, with the right to increase the same to three millions of dollars.

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LEGAL NOTICES.

IN THE ORPHANS' COURT FOR THE CITY AND COUNTY OF PHILADELPHIA.

Estate of WILLIAM JOHNSON, deceased.

The Auditor appointed by the Court to audit, settle, and adjust the account of JACOB C. WHITE, surviving executor, and to report distribution of the balance in the hands of the accountant, will meet the parties interested, for the purpose of his appointment, on TUESDAY, November 30, 1869, at eleven (II) o'clock A. M., at No. 406 WALNUT Street, in the city of Philadelphia.

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